

Senate File 2090 - Introduced

SENATE FILE 2090

BY DAWSON

A BILL FOR

1 An Act relating to pretrial bond amounts for certain felonies.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 811.1B Pretrial bond amounts for
2 class "A" and forcible felonies.

3 1. It is the policy of this state that, for certain
4 violent offenses, a court setting bond must give significant
5 consideration to the danger a defendant poses to another person
6 or the property of another if the defendant is not detained
7 pending trial. This consideration is in addition to all others
8 recognized by law, including but not limited to the bond amount
9 necessary to secure the defendant's appearance.

10 2. When probable cause for an offense is found by the
11 magistrate, or the district court has found the minutes
12 supporting an indictment or information are sufficient to
13 warrant conviction if unexplained, the following pretrial
14 bond amounts shall be presumed for each count charged,
15 notwithstanding any other provision of law:

16 a. For a class "A" felony, a five hundred thousand dollar
17 cash bond only.

18 b. For a class "B" forcible felony, a twenty-five thousand
19 dollar cash bond only.

20 c. For a class "C" forcible felony, a ten thousand dollar
21 cash bond only.

22 d. For a class "D" forcible felony, a five thousand dollar
23 cash bond only.

24 3. The presumption contained in this section is rebuttable
25 only upon a showing by the defendant, by a preponderance of
26 evidence, that the defendant is not a danger to another person
27 or the property of another if not detained pending trial.

28 4. As with other bond reviews, a determination under this
29 section made by a magistrate is reviewable by a district
30 court judge or a district associate judge having original
31 jurisdiction of the offense with which the defendant is charged
32 pursuant to section 811.2, subsection 7, paragraph "a", while a
33 determination made by a district court judge is only reviewable
34 by the appellate court pursuant to section 811.2, subsection
35 7, paragraph "b".

1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with
3 the explanation's substance by the members of the general assembly.

4 This bill relates to pretrial bond amounts for certain
5 felonies.

6 The bill provides that for certain violent offenses, a
7 court setting bond must give significant consideration to the
8 danger a defendant poses to another person or the property
9 of another if the defendant is not detained pending trial.
10 Notwithstanding any other provision of law, the following
11 pretrial bond amounts shall be presumed: for a class "A"
12 felony, a \$500,000 cash bond only; for a class "B" forcible
13 felony, a \$25,000 cash bond only; for a class "C" forcible
14 felony, a \$10,000 cash bond only; and for a class "D" forcible
15 felony, a \$5,000 cash bond only.